REMARKS

Claims 1-15 are pending in this application, of which claims 1, 6, and 11 are independent. In this Amendment, claims 1 and 6-11 have been amended. Care has been exercised to avoid the introduction of new matter. Support for the amendments of claims 1, 6, and 11 can be found on, for example, page 11, lines 17-21 of the specification. Claims 6-10 have been amended to recite a computer readable medium.

Rejection of Claims under 35 U.S.C. § 102

Claims 1, 2, 6, 7, 11, and 12 have been rejected under 35 U.S.C. §102(e) as being anticipated over Yamada et al. The Examiner asserted that Yamada et al. discloses a method of detecting a human face identically corresponding to what is claimed.

Applicants submit that Yamada et al. does not identically disclose a method for extracting a face position including all the limitations recited in independent claim 1. Specifically, Yamada et al. does not disclose, among other things, "said Between-the-Eyes detecting filter has a width which is substantially as long as the width of the face," as recited in claim 1. The Between-the-Eyes detecting filter can utilize the following features in order to extract the Between-the-Eyes candidates:

i)   a nose bridge is brighter than both of eye regions, and

ii)   the eye regions are darker than cheek regions, to discriminate the position of Between-the-Eyes of the face.

In the Office Action, the Examiner appears to identify Yamada's slits 307 in Fig. 3a as the claimed Between-the-Eyes detecting filter. However, it is apparent from Fig. 3a of Yamada that the slits do not have a width which is substantially as long as the width of a face, as claimed.

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Based on the foregoing, Yamada et al. does not identically disclose a method for extracting a face position including all the limitations recited in independent claim 1. The above discussion is applicable to independent claims 6 and 11. Dependent claims 2, 7, and 12 are also patentably distinguishable over Yamada et al. at least because these claims include all the limitations recited in independent claims 1, 6, and 11, respectively. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consideration thereof.

Rejection of Claims under 35 U.S.C. § 103

Claims 3, 8, and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada et al. in view of Viola; claims 4, 9, and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada et al. in view of Li; and claims 5, 10, and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada et al. in view of Tajima.

Claims 3-5, 8-10, and 13-15 depend from independent claims 1, 6, and 11, respectively. Applicants thus incorporate herein the arguments made for responding to the rejection of independent claims 1, 6, and 11 under 35 U.S.C. §102 for anticipation evidenced by Yamada et al. The Examiner's additional comments and secondary reference to Viola, Li, and Tajima do not cure the previously argued deficiencies of Yamada et al.

Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consideration thereof.

Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Stephen A. Becker
Registration No. 26,527

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 SAB:TT:lnm
Facsimile: 202.756.8087
Date: November 9, 2007

Please recognize our Customer No. 20277 as our correspondence address.

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